

the memorializing of the loss of over 3,000 of our brothers and sisters during 9/11, we stand on the floor to acknowledge our commitment in the war against terror and for homeland security. But not one single terrorist that perpetrated that heinous act was found in the libraries of America on 9/11. And so I rise to support this amendment on the simple premise that it reinstates legal standards for investigations of libraries and book stores which are part of the constitutional protection of the first amendment, and protections that were eliminated under the U.S. PATRIOT Act.

I simply ask my colleagues to recognize that the war on terror does not require us to drop our constitutional rights at the door of this body or the courthouse. Let us stand for the balance between democracy and security and support this amendment and defeat the unconstitutional intrusion on our rights!

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Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I rise in strong support of the Sanders amendment. I voted for the PATRIOT Act, I voted for all the appropriations for the war against terror, I voted for all the intelligence appropriations, and will continue to do so. But I think we have to be careful. We have to carefully balance the war against terror with our personal freedoms.

With the passage of the PATRIOT Act, the FBI gained the unprecedented power to search libraries and book-buying records without probable cause of any crime or intent to commit a crime. Furthermore, librarians and others who are required to turn over records are barred from informing anyone that the search has occurred or that records were given to the government. This means that average Americans could have their privacy violated wholesale without justification or proper judicial oversight.

This amendment will not limit the ability of the FBI and the Department of Justice to fight terrorism. This amendment will ensure that library or bookstore records relating to an American who is not the subject of an investigation will not wind up in the government's hands without the benefit or protection of the courts.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, 9/11 was a great tragedy. An even greater tragedy is the destruction of our Bill of Rights.

The PATRIOT Act gives the government the right to search library reading lists. Our government should not care what people are reading; it should care that our people can read. Fear passed the PATRIOT Act, and fear will destroy our democracy.

When Francis Scott Key wrote that "Star Spangled Banner," he raised a

question: Does that star spangled banner yet wave, over the land of the free and the home of the brave? He made the connection between freedom and bravery, between courage and democracy.

This is a time for America to have courage. Courage, America. Freedom, America. Liberty, America. Support the Sanders amendment.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong support of the Sanders-Otter amendment, which would help restore the privacy and first amendment rights of library and bookstore patrons.

On the day the PATRIOT Act passed in this body, few Americans were aware of its harmful impact. Today, I can tell you Americans and my constituents are appalled at the emasculation of our Constitution.

Section 215 granted authorities unprecedented powers to search or order a search of library and bookstore records without probable cause or the need for search warrants. This is absolutely unprecedented. Those rights to a search warrant, to probable cause, are in the United States Constitution. They were swept aside in the PATRIOT Act.

We should make the commonsense changes that this amendment makes. I urge support of the Sanders-Otter amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, with all due respect, I think we are swallowing camels and straining out gnats. We talked about the fact that you need probable cause under the PATRIOT Act. You do not need it under existing law. You can go to a grand jury under existing law and get this information, right now.

I would submit that we are not thinking straight. We are at war with terrorists. We need to respond to what we most fear: A chemical, biological, or nuclear attack. Or even a conventional weapon used in a pretty horrific way, with dirty weapons, dirty nuclear material. That is a fact. I am not inventing something. I have had 50 hearings on this.

The bottom line is, you remove this from the PATRIOT Act, and they can still do all the bad things they want. Under the PATRIOT Act, you have to go to the Justice Department, you have to go to FISA, and then you have to get a court order. I would submit it is a safer way.

The advantage is you do not have to tell a whole lot of people you are doing it. You get the records of what they are reading, what they are talking about, and then know whether we need to act more strongly.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Washington (Mr. McDERMOTT).

(Mr. McDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Chairman, in the Bush-CIA-created democracy in Iraq, they just adopted martial law. The human rights minister said it is just like the American PATRIOT Act.

The Congress has tackled some unusual legislation recently. The Senate just voted to reaffirm that we actually support the Geneva Conventions, and today we are in the House debating no less than the freedoms guaranteed by the first amendment in our Constitution, freedoms that were compromised in a rush to judgment by this administration.

They did not get in martial law here yet, but they have got it in mind. They want to have the government able to reach into our lives, no matter what we are doing, no matter what you read in the library. Do not buy a ticket to "Fahrenheit 9/11" on the Internet, because they will get your Internet records. They are going to get everything about your life, and they will continue to do it until we finally wind up with martial law.

The amendment before the House would grant Americans the freedom to read books from the local library or your favorite bookstore, without the FBI looking over your shoulder.

Yes, we are here to restore one of the founding principles of this Nation. Today, we have to legislate freedom. There is a strong possibility that Republicans will vote against the amendment and kill the right for an American to read without fear of snooping by the government.

There is every reason to believe that Americans will end this day not really knowing whether the book they just checked out of the library has placed them on the FBI watch list. Who is to say what books might get you placed under surveillance by the government.

Maybe you like history and want to know about the people who led nations against us. That alone would prompt Attorney General John Ashcroft to consider you a subversive. And, you will never know.

The so-called Patriot Act has made a patsy out of the first amendment. There is a secret court that can let the government peer into your private life. They can pry, snoop, spy, intrude, watch, poke around, and access your records, your life, without your knowledge, forget about consent.

The Attorney General wants the power. He insists he must have the power to protect America from Americans, any American he deems shady. What's the threshold? Well, that's a secret and a moving target. Today, maybe John Ashcroft won't like *Catcher in the Rye* and consider you subversive if you check it out. Tomorrow, maybe it will be *The Great Gatsby*, or perhaps Germany's *Secret Weapons of World War II*, or *The Da Vinci Code*. There's no limit to what the Attorney General might consider subversive. There's no limit to the spying he can order. There's no limit on government intrusion in your life. There are, however, new limits, severe limits to what this country is all about—freedom.

Are there bad people out there? Of course there are. And there are effective laws available to the Attorney General and the FBI to